

DEFAULT

DIVORCE, LEGAL SEPARATION or ANNULMENT WITHOUT CHILDREN

3

How to Get a Default Decree With or Without a hearing

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SELF-SERVICE CENTER

DIVORCE, LEGAL SEPARATION, OR ANNULMENT WITHOUT CHILDREN HOW TO GET A DEFAULT DECREE

This packet contains general information and court forms and instructions about how to apply for a default hearing if the other party did not. Read CAREFULLY AND FOLLOW THE PROCEDURES AND INSTRUCTIONS FOR THIS PROCESS. Be sure the documents are in the following order:

Order	File Number	Title	No. Pages
1	DRDA6t	Table of forms/instructions in this packet	1
2	DRDA6k	Checklist: You may use these forms if . .	1
3	GNA50P	Procedures: How to Apply for a Default Hearing <i>in Family Court cases without children</i>	2
4	GN61f	<i>“Application and Affidavit of Default”</i>	2
5	DR62k	<i>“Default Screening Checklist”</i>	1
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HOW TO GET A DEFAULT DIVORCE, LEGAL SEPARATION OR ANNULMENT DECREE - IN CASES WITHOUT CHILDREN

CHECKLIST

Use the forms and instructions in this packet **ONLY** if the following factors apply to your situation:

- ✓ You have filed a petition for divorce, legal separation or annulment, **AND**
- ✓ You and your spouse have no children common to each other **AND** the wife is **not** pregnant by the husband **or** will **not** be pregnant by the husband before the divorce is over, **AND**
- ✓ You served your spouse with the court papers, **AND**
- ✓ You have either filed the **“Acceptance of Service”** signed by the other party **OR** an affidavit proving the type and date of service with the Clerk of the Court, **AND**
- ✓ Your spouse did **not** file a written Response within the time frame set by law. (You can check the court file to be sure this is true), **AND**
- ✓ You want to proceed with the case and get a default court order.

READ ME: Before filing documents with the Court, consult a lawyer to help guard against undesired and unexpected consequences. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or from our web site at: <http://www.superiorcourt.maricopa.gov/ssc/provider/lawyers.asp>

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PROCEDURES: HOW TO FILE AN APPLICATION AND AFFIDAVIT FOR DEFAULT and HOW TO GET A DEFAULT HEARING IN CASES WITHOUT CHILDREN

If the other party files a Response/Answer with the Court, YOU CANNOT GET A DEFAULT HEARING.

APPLICATION AND AFFIDAVIT FOR DEFAULT: TIME FRAMES AND FILING

STEP 1: **BEGIN COUNTING THE DAY AFTER THE OTHER PARTY WAS SERVED WITH THE PETITION/COMPLAINT.** Look at the Default Timetable below to find the method of service you used and the number of days you should count.

INCLUDE WEEKENDS AND HOLIDAYS until you reach the number of days listed in the Default Timetable. If the **last** day for the other party to respond falls on a Saturday, Sunday, or legal holiday, **DO NOT** count **that** day.

DEFAULT TIMETABLE

<u>SERVICE BY</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance of Service in Arizona	20 Days	after the other party signs the <i>"Acceptance of Service"</i>
Process Server in Arizona	20 Days	after other party receives papers from a process server
Sheriff in Arizona	20 Days	after other party receives papers from Sheriff
Service on Inmate in Arizona	20 Days	after other party receives papers from Sheriff
Acceptance of Service out of State	30 Days	after the other party signs the <i>"Acceptance of Service"</i>
Process Server out of State	30 Days	after other party receives papers from a process server
Sheriff out of State	30 Days	after other party receives papers from Sheriff
Service on Inmate out of State	30 Days	after other party receives papers from Sheriff
Registered Mail out of State	30 Days	after other party signs a green return receipt card
Publication	60 Days	after 1 st publication

STEP 2: Depending on **HOW** the papers were served on the other party, wait the number of days indicated above. ***If the other party did not file an Answer/Response with the Court within the time frame indicated, complete the "Application and Affidavit for Default", file it and mail or deliver a copy to the other party as instructed below. You must take this action for your case to proceed.***

STEP 3: **SIGNATURE:** Go to a Deputy Clerk of the Superior Court or a Notary Public and sign the ***"Application and Affidavit for Default."*** Bring a picture ID with you and **make sure** you date the ***"Application and Affidavit for Default"*** with the date you are signing it. Do **not** go to the Notary Public or Clerk or sign the ***"Application and Affidavit for Default"*** before the amount of time shown in the Default Timetable above has passed.

COPIES: Make **two copies** of your notarized ***"Application and Affidavit for Default"***.

STEP 4: FILE : File the original with the Clerk of the Court at any of these locations:
Central Court Building, 201 West Jefferson Street, Phoenix, AZ 85003 (1st Floor);
Northwest Court Facility, 14264 West Tierra Buena Lane, Surprise, AZ. 85374;
Southeast Court Facility, 222 East Javelina Drive, Mesa AZ 85210; OR
Northeast Court Facility, 18380 North 40th Street, Phoenix, AZ 85032.

CLERK: Hand the original & both copies of the ***"Application and Affidavit for Default"*** to the Clerk at the filing counter. The Clerk will keep the original, date-stamp both sets of copies and return the copies to you. **Make sure** both copies are stamped.

MAIL: Mail or hand-deliver one of the date-stamped copies of the ***“Application and Affidavit for Default”*** to the other party on the same day you file the papers with the Clerk of the Court. Keep the other copy for your records.

Would you like to get your divorce, legal separation or annulment default decree without having to go to court? If you qualify, you may apply for **DEFAULT BY MAIL**. To get your default divorce *or other* default court order *by mail*, see ***“Procedures for Getting a Default Divorce Without a Hearing”***, the next to last document in this packet, to determine if you qualify, **OR** follow the steps below to schedule your default hearing.

STEP 5: COUNTING FROM THE DAY AFTER THE “APPLICATION AND AFFIDAVIT” WAS FILED, WAIT 10 WORKING DAYS BEFORE PROCEEDING TO STEP 6.

STEP 6: FILL OUT THE “DEFAULT SCREENING CHECKLIST” (the next document in this packet).

STEP 7: SCHEDULE YOUR OWN HEARING:

- OVER THE INTERNET AT: <http://ecourt.maricopa.gov/dod> OR
- BY CALLING: 602-372-3332

- If you call before noon, you may be able to schedule a hearing as soon as the next day.
- You can also schedule your hearing for a future date.
- Publication and/or Interpreter matters can only be scheduled on specific days of the week.

STEP 8: PREPARE FOR THE COURT HEARING

GET YOUR PAPERS TOGETHER. Read the instructions for the Court Order/Decree packet that applies to your case. Fill out the Order or Decree and **MAKE COPIES** as instructed. Bring all required court papers to your hearing. If you do not bring all required documents, your hearing will be rescheduled.

- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH SPOUSAL MAINTENANCE (ALIMONY)**, and you do not already have a Temporary Order for Spousal Maintenance, bring Social Security Numbers and Employer Information (name(s), address(es) and telephone number(s) for you and the Respondent.

STEP 9: READ “ATTENDING YOUR DEFAULT HEARING - WHAT TO DO IN COURT”

STEP 10: GO TO YOUR HEARING AT THE SCHEDULED DATE AND TIME.

- **DO NOT BRING CHILDREN**
- **EXPECT TO BE IN THE COURTHOUSE UP TO 4 HOURS OR MORE.**
- **Your paperwork will be checked before you enter the courtroom.**

All Default Hearings will be held downtown at 201 West Jefferson Street, Phoenix, Arizona 85003 Check in on the 3rd Floor of the Central Court Building in the **DEFAULT ROOM**.

ARRIVE BEFORE THE TIME SCHEDULED FOR YOUR HEARING.

YOU CANNOT BE LATE. IF YOU ARE LATE OR YOU BRING CHILDREN, YOUR HEARING WILL BE RESCHEDULED TO A DIFFERENT DAY.

Name of Person Filing: _____
 Your Address: _____
 Your City, State, Zip code: _____
 Your Telephone Number: _____
 ATLAS Number (if applicable): _____
 Representing ☐ Self (Without an Attorney) OR
 Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

 (Name of Petitioner)

Case No. _____

APPLICATION AND AFFIDAVIT FOR DEFAULT

 (Name of Respondent)

NOTICE: THIS IS AN IMPORTANT COURT DOCUMENT. When this document is properly completed and filed, Default has been applied for and entered. The Default will be effective ten (10) days after the filing of this completed document, unless the Defendant/Respondent files an Answer/Response or otherwise defends before the ten day period expires.

STATE OF ARIZONA)
 County of Maricopa) ss.

1. I am the Petitioner in this court case. I understand and make the following statements under oath. I give notice that I am requesting entry of default against the other party, the Respondent, because the Respondent has **not** filed an Answer/Response.
2. Service of the court papers on Respondent has been accomplished as follows: (check **ONLY** one box)

☐ The Respondent has signed an **"Acceptance of Service"** and has accepted service of the **"Summons,"** Complaint or Petition and other papers. The Respondent has **not** filed an **"Answer/Response"**, or otherwise appeared or defended in this court case. Default may be entered.

OR

☐ I have served the Respondent according to law with the **"Summons,"** Complaint or Petition and other papers. Respondent has **not** appeared, answered, responded or otherwise defended in the time required by law.
3. The Respondent is either **not** in the active military service of the United States or has otherwise waived his/her rights under the Service Members Civil Relief Act (formerly "Soldiers and Sailor's Civil Relief Act").
4. By completing the Certificate of Mailing or Delivery at the bottom of this form, I certify that I am mailing or delivering a copy of this Application and Affidavit to the Respondent as notice that I have applied for default and default has been entered in this court case.
5. Check all boxes that are true:

☐ I have mailed a copy of this Application and Affidavit to the Defendant/Respondent at his/her last known address, **AND**

Case No. _____

- ☐ **IF** I know the Respondent, who I claim to be in default, is represented by an attorney, I have **also** mailed a copy of this Application and Affidavit to that attorney, **OR**
- ☐ I have **not** mailed a copy of this Application and Affidavit to the Respondent because I do **not** know his/her location or whereabouts and do not believe the Respondent is represented by an attorney. **(You can only check this box, if the Respondent was served by publication.)**

Note: If the Respondent fails to file a responsive pleading or otherwise defend in this action within **10 days** of the filing of this Application, a default judgment will be entered. The Plaintiff or Petitioner must still attend the default hearing at the court.

Petitioner Signature (sign in front of Notary Public)

SUBSCRIBED AND SWORN to before me this _____ day of _____,

by _____

Notary Public

My Commission Expires:

CERTIFICATE OF MAILING OR DELIVERY

On (date) _____ copy of this document was: (check **ONLY** one box)

☐ mailed postage pre-paid, OR ☐ delivered by _____ (name of person who did the delivery) to the Defendant/Respondent at the following:

Address: _____

Signed: _____

Default Screening Checklist

1. **Case Number:** _____

2. **Case Type**

- | | | |
|--------------------------------------|--|------------------------------------|
| <input type="checkbox"/> Dissolution | <input type="checkbox"/> Legal Separation | <input type="checkbox"/> Annulment |
| <input type="checkbox"/> Paternity | <input type="checkbox"/> Grandparents Visitation | <input type="checkbox"/> Other |

3. **Does your case involve Children?**

☐ Yes ☐ No

If Yes,
What type of Custody is requested in the
Petition?

☐ Joint or
Shared ☐ Sole

Have you filed your Parent Information
Program Certificate?

☐ Yes ☐ No

Has the Respondent filed their Parent
Information Program Certificate?

☐ Yes ☐ No ☐ Not
Sure

4. **Do you need an Interpreter?**

☐ Yes ☐ No

If Yes, what language and dialect? _____

5. **For Divorce, Legal Separation and
Annulment matters only:**

Is Spousal Maintenance/Support being
requested?

☐ Yes ☐ No

**Has at least 64 days passed since the
respondent was served? (94 days after
1st publication if service was by publication),
If you answer no, you must wait until the
time has passed.**

☐ Yes ☐ No

6. **For all cases) Has at least 10 working days
passed since the Application and Affidavit
for Default was filed?**

☐ Yes ☐ No

*If you answer no, you must wait until the
time has passed.*

7. **Type of Service:**

☐ Acceptance ☐ In State ☐ Out of State

Date Acceptance was signed: _____

☐ Private Process Server/Sheriff ☐ In State ☐ Out of State

Date documents were served: _____

☐ Registered Mail

Date green card was signed: _____

☐ Publication

Date of 1st publication: _____

8. **Date Application & Affidavit of Default was filed:**

9. **Date Application & Affidavit of Default was mailed:** _____

TO SCHEDULE YOUR OWN HEARING ON THE INTERNET go to <http://ecourt.maricopa.gov/dod> **OR**

You may **CALL 602-372-3332** between 8 A.M. and 5 P.M., Monday–Friday to get a hearing date and time.

- Have the completed **“Default Screening Checklist”** with you when you call or go to the web site.
- The date and time for your court hearing will be given to you when you call; **WRITE IT DOWN!**
- **YOU WILL NOT RECEIVE ANY OTHER NOTICE ABOUT OF YOUR COURT DATE AND HEARING TIME.**

MY HEARING IS SET FOR THE FOLLOWING DATE AND TIME: _____

SELF-SERVICE CENTER

PROCEDURES FOR GETTING A DEFAULT DIVORCE, LEGAL SEPARATION OR ANNULMENT WITHOUT A HEARING

Arizona Rules of Family Law Procedure 44(B)1(b)

REQUIREMENTS

Sometimes a court hearing is not required to get a default decree. This procedure may be used if you meet the following requirements:

- ✓ Husband and wife **both must** be legally competent or sane.
- ✓ There are **no** minor children, common to the parties, born before or during the marriage **or** adopted by the parties during the marriage.
- ✓ Wife is **not** pregnant with husband's child.
- ✓ Neither husband or wife is making a claim for spousal maintenance/support (alimony).

You **CANNOT** use this procedure if the responding party was served by publication. You also **CANNOT** this procedure if the other party is insane or incompetent, or if the other party has filed a response. For the complete list of requirements, read the *"Motion and Affidavit for a Default Without a Hearing"*.

PROCEDURE

1. **BEFORE YOU REQUEST A DEFAULT DIVORCE WITHOUT A HEARING, CHECK TO BE SURE THAT YOU HAVE:**
 - Properly served the other party, and filed an *"Affidavit of Service"* or the *"Notice and Request to Accept Service"* and the *"Acceptance of Service."* (Service cannot be done by publication), **AND**
 - Completed and filed the *"Application and Affidavit for Entry of Default,"* and mailed a copy to the other party; **AND**
 - Waited at least **60** days **after** the date service was complete to sign the *"Motion and Affidavit for Default Decree Without a Hearing."*
2. **COMPLETE** the *"Motion and Affidavit for Default Decree Without a Hearing."*
 - **File the original** *"Motion and Affidavit for Default Decree without a Hearing"* with the Clerk of the Court.
3. **Hand-deliver or mail the following documents as indicated below:**
 - **1 copy** of the filed *"Motion and Affidavit for Default Decree Without a Hearing"*
 - The **original** and **2 copies** of the *"Decree"* for signature by the Judge;
 - **Two (2)** 9" x 12" **envelopes**, with sufficient postage, one addressed to you, and one addressed to the other party.

Central Court Building

201 West Jefferson, 6th floor
Phoenix, Arizona 85003
(To Family Court Administration)

Northwest Court Complex

14264 West Tierra Buena Lane
Surprise, Arizona 85374
(To Judge's in-box)

Southeast Court Complex

222 East Javelina Drive, 1st floor
Mesa, Arizona 85210
(To Court Administration)

Northeast Court Complex

18380 North 40th Street
Phoenix, Arizona 85032
(To Judge's in-box)

4. There is a review process upon receipt of your paperwork. This process can take as long as 6-8 weeks. You can call (602) 506-1561 between the hours of 8:00 a.m. and 5:00 p.m. to check on the status of your case. Do not call until at least six (6) weeks after you dropped off your default papers.
5. **IF YOUR MOTION FOR A DEFAULT DECREE WITHOUT A HEARING IS ACCEPTED:** The Judicial Officer will sign the original "**Decree**" and have it filed with the Clerk of the Court. The court will send a copy of the "**Decree**" to each party using the envelopes you provided. This is your notification that your Divorce, Legal Separation or Annulment is final.

Things You Can Do to Speed Up the Process

- Make sure to fill out the "**Decree**" completely by marking all applicable boxes.
- Make sure the items asked for in the "**Decree**" are the same as the items asked for in the "**Petition.**"
- Make sure the "**Decree**" is signed and verified by the Petitioner only.
- **Provide your addressed, stamped envelopes with adequate postage.**

Name of Person Filing: _____
 Address: _____
 City, State, Zip code: _____
 Telephone Number: _____
 Representing ☐ Self (Without a Lawyer) OR
 Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Marriage of: _____)
 _____)
 Petitioner's Name _____) Case No. _____)
 _____)
 and _____) **MOTION AND AFFIDAVIT FOR DEFAULT**
 _____) **DIVORCE WITHOUT A COURT HEARING**
 _____) A.R.F.L.P. 44 (B)(1) (b)
 Respondent's Name _____)

STATE OF ARIZONA)
 County of Maricopa) ss.

I am the Petitioner and I am asking the court to enter a ***"Decree of Dissolution of Marriage by Default Without a Court Hearing."*** I have put a check mark in each box in front of the statements below that are true and I understand that if any statement is not true, I cannot get a default divorce without a hearing.

- ☐ I have read this ***"Motion and Affidavit for Default Divorce Without a Court Hearing"*** and to the best of my knowledge everything I have said is true.
- ☐ I have paid the filing and service fees or the filing and service fees have been waived or deferred. A copy of the receipt showing payment or a copy of the Order showing that the fees have been waived or deferred is attached.
- ☐ I am competent and sane. To the best of my knowledge, Respondent is competent and sane.
- ☐ At least 60 days have passed since the Respondent was served with the dissolution papers. Service was not done by publication.
- ☐ The Respondent has not made an appearance in this matter or filed a ***"Response."*** I have filed the ***"Application for Default"*** and Default has been entered against the Respondent.
- ☐ I have or Respondent has lived in the State of Arizona for at least 90 consecutive days prior to the date the Petition for Dissolution was filed.
- ☐ Conciliation Services provisions have been met since the filing of the Petition for Dissolution of Marriage or the provisions do not apply. (A.R.S. 25-381.09).
- ☐ The marriage is irretrievably broken.

Case No. _____

- ☐ There are no minor children, common to the parties, who were born before or during the marriage, or who were adopted by the parties during the marriage. Petitioner/Respondent, to my knowledge, is not pregnant.
- ☐ Neither Petitioner nor Respondent has made a claim for spousal maintenance/support. A claim for spousal maintenance/support is deemed waived by both parties.
- ☐ All of the allegations, including those concerning property and debts listed in the ***"Petition for Dissolution of Marriage"*** were true at the time I filed the ***"Petition for Dissolution of Marriage"*** and remain true as of the date of the filing of this Motion and Affidavit. **If the allegations are no longer true, you need to tell the court why the allegations are no longer true.**
-
-

- ☐ Everything in the ***"Petition for Dissolution of Marriage"*** concerning who gets the property and who pays the bills/debts is fair and reasonable. If applicable, attorney fees are itemized on the paper attached to this Motion and Affidavit.
- ☐ The relief to be awarded in the ***"Decree of Dissolution of Marriage"*** is the same as the relief I requested in the ***"Petition for Dissolution of Marriage"*** OR if the relief to be awarded is different, it has been approved by both parties, as reflected in the ***"Decree of Dissolution of Marriage"*** and signed by both parties.

Therefore, I request this court to sign the attached ***"Decree of Dissolution of Marriage."***

OATH OR AFFIRMATION

The contents of this document are true and correct to the best of my knowledge and belief.

Signature

Date

Sworn to or affirmed before me this date:

My Commission expires

Deputy Clerk or Notary Public

ATTENDING YOUR DEFAULT HEARING: and WHAT TO DO IN THE COURTROOM

GET YOUR PAPERS TOGETHER. MAKE COPIES. The list below shows the documents and number of copies required for the various default hearings. If you do not bring all required documents, your hearing will be rescheduled to another day.

Dissolution/Legal Separation/Annulment

- ☐ Completed Decree of Dissolution, Legal Separation or Order of Annulment +2 copies

If you have requested Spousal Maintenance:

- ☐ Order of Assignment and 2 copies
- ☐ Completed Current Employer Information and 2 copies
- ☐ Completed Judgment Data Sheet

If your case involves children:

- ☐ Parent Information Program Certificate if it has not already been filed
- ☐ Signed Parenting Plan and 2 copies
- ☐ Completed Child Support Worksheet and 2 copies
- ☐ Order of Assignment and 2 copies
- ☐ Completed Current Employer Information and 2 copies
- ☐ Completed Judgment Data Sheet
- ☐ Wage information/pay stubs for both parties, and other financial information such as childcare costs, medical insurance premiums etc.
- ☐ Copy of any prior Court Order for Child Support or for Paternity.
- ☐ 9X12 envelope addressed to the other party with 3 standard current postage stamps.

Paternity

- ☐ Completed Order of Paternity and 2 copies
- ☐ Parent Information Program Certificate if it has not already been filed
- ☐ Signed Parenting Plan and 2 copies
- ☐ Completed Child Support Worksheet and 2 copies
- ☐ Order of Assignment and 2 copies
- ☐ Completed Current Employer Information and 2 copies
- ☐ Completed Judgment Data Sheet
- ☐ Wage information/pay stubs for both parties, and other financial information such as childcare costs, medical insurance premiums, etc.
- ☐ Copy of any prior Child Support Order
- ☐ 9X12 envelope addressed to the other party with 3 standard current postage stamps

Grandparent Visitation

- ☐ Completed Order for Grandparent Visitation and 2 copies
- ☐ Copy of any prior Paternity or Child Support Order that establishes your relationship to child

Custody, Parenting Time and Support Cases

- ☐ Completed final Court Order and 2 copies
- ☐ Parent Information Program Certificate if it has not already been filed
- ☐ Signed Parenting Plan and 2 copies
- ☐ Completed Child Support Worksheet and 2 copies
- ☐ Order of Assignment and 2 copies
- ☐ Completed Current Employer Information and 2 copies
- ☐ Completed Judgment Data Sheet
- ☐ Wage information/pay stubs for both parties, and other financial information such as child care costs, medical insurance premiums, etc.
- ☐ Copy of any prior Court Order establishing Paternity or Child Support
- ☐ 9X12 envelope addressed to the other party with 3 standard current postage stamps

ALL CASES WHERE SERVICE WAS BY PUBLICATION

- ☐ \$20.00 CASH REQUIRED for the Court Reporter fee (Non-deferrable).

I. THE DEFAULT HEARING: DO'S AND DON'TS

1. **BE ON TIME.**
2. **DO NOT BRING CHILDREN.**
3. **IF YOU ARE LATE OR BRING CHILDREN, YOUR HEARING WILL BE RESCHEDULED TO A DIFFERENT DAY.**
4. **EXPECT TO BE IN THE COURTHOUSE UP TO FOUR HOURS OR LONGER. PLAN YOUR CHILD CARE AND PARKING ACCORDINGLY.**
5. **DO NOT BRING FOOD OR DRINKS INTO THE COURTROOM.**
6. **DO NOT CHEW GUM IN THE COURTROOM.**
7. **Review your Decree/Order/Judgment.** Make sure your Decree/Order does not ask for anything different from what you asked for in your Petition/Complaint.
8. **DRESS APPROPRIATELY.** If it could be worn at a swimming pool or for playing basketball, it probably is not appropriate for court. Men should remove caps and hats in the courtroom.

II. AT THE HEARING: WHAT TO DO IN THE COURTROOM

1. **Be on time.** Wait quietly in the courtroom until your name is called.
2. **Children are not permitted in the courtroom.**
3. **Stand when your name is called** and walk toward the "bench" where the Judge is seated. Court staff will ask you to take an oath or to affirm that the information you are providing to the Court is true. You will raise your right hand and swear *or affirm* that the information you are providing is true. Lying in court, or **perjury**, is a serious crime.
4. **Sit in the witness chair** located next to the Judge.
5. **Call the Judge "Your Honor."**
6. **Do not reach** over the desk to take anything from the Judge or to hand anything directly to the Judge, unless the Judge first gives permission or asks you to do so.

III. BE PREPARED TO ANSWER THE JUDGE'S QUESTIONS, such as . . .

- What is your name and address?
- Is the relief you are asking for today the same as what you asked for in the Petition/Complaint? (Your answer should be "yes" because you cannot change anything from the Petition unless you have written consent from the other party and have filed the consent with the Court.)
- How did you serve the other party, and when was he or she served? (You should know what type of service was used: publication, service by the Sheriff, service by a registered process server, or acceptance of service.)

- **If you served the other party by publication, the Judge will ask:**
 - What steps did you use to try to find the other party?
 - Whom did you talk to about how to find the other party?
 - What was the last date you saw, received a letter or phone call from the other party?

Questions for Divorce / Legal Separation / Annulment Cases Only

- A. How long have you lived in Arizona? Did you or your spouse live in Arizona or was either of you a member of the Armed Forces and stationed in Arizona at least 90 days before the Petition was filed?
- B. What is the date of marriage and where were you married?
- C. Is your marriage irretrievably broken? Do you think your marriage can be reconciled? (This means: is there any reasonable chance that you can continue with the marriage?)
- D. Are you aware of Conciliation Services? (Conciliation Services is a service of the Court that provides free marital counseling.) If you were not aware of the services, the Judge may describe these services to you and send you to Conciliation Services.
- E. Do you want your former name restored? (Your former name will be restored, if you answer "yes" to this question.)
- F. What property and debts do you have from the marriage? (Describe your property and debts listed in your Petition and Decree.)
- G. How have you divided the property and debts? (Explain what you have asked for and put in the Decree.)
- H. Do you think the division of property and debts is fair?

Questions for Divorce / Legal Separation / Annulment and Paternity / Custody / Visitation and Support Cases

- A. The following questions may be asked if you have children:
 1. How many children do you have and what are their ages?
 2. Are you requesting custody of your minor children?
 3. What type of parenting time (visitation) do you want the other party to have?
 4. Are there any expected problems with parenting time? (If you have requested supervised visitation or no visitation, you should be prepared to tell the judge why. For example, you should tell the judge if there has been domestic violence, child abuse, or if the other party has a drug or alcohol problem.)
 5. Do you think the portions of the Decree/Order/Judgment dealing with custody and parenting time are fair?
 6. Who will provide medical insurance for the children? (Generally, this should be the parent who has insurance available through his or her employer at the most affordable cost. If no insurance is available and the children are on AHCCCS, you can tell the judge this.)
 7. Can the other party pay child support?
 8. Is your spouse/other parent employed? How much does your spouse/other parent earn? (The amount he or she earns should be on the **"Parent's Worksheet for Child Support Amount"**.)

AFTER THE HEARING, IF THE JUDGE SIGNED YOUR DECREE/ORDER:

1. **Immediately mail a copy of the Court Order or Decree and all related documents that become part of it, to the other party** (such as custody agreement, parenting plan, etc.).
2. **If you have an Atlas Number, or if DES (DCSE) is involved in your case, mail a copy of the Completed "Parent's Worksheet for Child Support" to: Child Support Enforcement, Attn.: Attorney General Department, P.O. Box 40458, Phoenix, Arizona 85067**